

OPEN SESSION
MINUTES OF THE MEETING OF THE
NEBRASKA ACCOUNTABILITY AND DISCLOSURE COMMISSION

Friday, April 21, 2017

State Capitol, Room 1525

Lincoln, Nebraska

Call to Order – Chairman Schulz called the meeting to order at 9:02 a.m. and announced the location in the meeting room of a copy of the Public Meetings Law.

Roll Call –

- Sean Conway – Present
- Jeffery Davis - Present
- Matthew Enenbach – Excused
- John Gale – Present
- Douglas Hegarty - Excused
- Andrew Loudon - Present
- Jeffery Peetz - Present
- Timothy Schulz - Present
- James Ziebarth – Excused

Approval of the Open Session Minutes of the March 3, 2017 Meeting – Chairman Schulz referred the Commissioners to their copies of the Open Session Minutes of the previous meeting.

Motion by Gale, second by Peetz, that the Open Session Minutes as of the March 3, 2017 meeting be approved as presented - Roll Call Vote: Commissioners Davis, Gale, Loudon, Peetz and Schulz voted yes. Commissioner Conway abstained. Motion carried (5-0-1).

Report on late filing fees and requests for relief: The Executive Director indicated that there were no requests for relief.

Executive Director's Report (includes personnel activity, budget status, budget process and litigation status) – Executive Director Daley indicated that Commissioner Schulz's term expires on June 30th. He is not eligible for reappointment. This appointment will be made by the Secretary of State from a list of candidates supplied by the Nebraska Republican Party.

The Executive Director next reported on the budget indicating that the Legislature had proposed to reduce the Agency's General Fund by \$34,000 in the next fiscal

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year and \$27,000 in the fiscal year following that. The Commission had its appropriations hearing on March 9th. At the hearing the Executive Director suggested to the Appropriations Committee that it restore \$15,000 in General Funds in each of the next two fiscal years. Mr. Daley indicated that the committee did agree to the recommendation. This recommendation would have the effect of reducing the General Fund appropriation by \$19,000 the next fiscal year and \$12,500 the following fiscal year. Mr. Daley noted that the appropriations bill has not made its way to the floor of the Legislature.

Executive Director Daley next updated the Commission about the Agency's impending move from the Capitol. Mr. Daley reported that a number of places had been examined. Two spaces are under consideration. One is located in the Sharp Building, which is in the center of downtown. It was pointed out that this is not a good location as it is the furthest distance from the Capitol, where day to day interaction is necessity. Also, the parking situation is not good for either the staff or the members of the public who need to visit the Commission office. The second location is at the Center Terrace Building which is directly south of the Cornhusker Marriott Hotel. Mr. Daley stated that it is a reasonable walking distance from the Capitol. There is plentiful metered public parking available. The Commission staff could park in the south state parking garage which is less than two blocks away. Mr. Daley further reported that there are no set dates for this move, other than sometime this summer.

Executive Director Daley indicated that the Electronic Filing Project continues and appears to be close to an end. Mr. Daley's hope is that the system will be up and running in time for the 2018 elections.

The Executive Director indicated that Lobbyist and Principal 1st Quarterly Reports disclosing receipts and expenditures are due on May 1st. Those reports that have been filed are available to the public for review on the Commission website.

Executive Director Daley indicated that the campaign statements for the Lincoln and Omaha Elections that have been filed are available for review on the Commission website. Campaign statements continue to be filed for these elections.

The Executive Director indicated that in the matter of litigation he would defer to General Counsel Danberg.

The General Counsel indicated that regarding the Patrick Shannon case, The Commission had filed a request of garnishment and currently is waiting for the garnishment and interrogatories to be returned from the City of Bellevue.

Review and Discussion of audit of Commission by Auditor of Public Accounts – The Executive Director referred the Commissioners to their copy of

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the final audit report from the Office of the Auditor Public Accounts. Mr. Daley indicated that the only audit point was in connection with the electronic filing project. The report stated that the project had been incorrectly coded in the state system. This coding issue has been corrected.

Discussion followed.

Legislative Update - The Executive Director gave the Legislative Update of bills.

LB 85 – This bill by Senator Blood would prohibit an individual that owes civil penalties or interest to the Commission from appearing on the ballot or being appointed to elected office or certain other offices. LB 85 was passed and signed by the Governor.

LB 127 – A bill by Senator Groene initially would require public bodies to publish a notice for each meeting in a newspaper that circulate in every county within the public bodies' jurisdiction. This bill with amendment would remove state agencies from the bill. This bill has advanced on to General File with amendment.

LB 209 – This bill by Senator Watermeier concerns the Administrative Procedures Act. It would amend the rule making process by changing the notification process. Concerns with the initial bill have been amended out. The Commission will continue to monitor LB 209.

LB 464 – This bill by Senator Watermeier also deals with the Administrative Procedures Act and would amend the rulemaking process by changing the notification process and placing certain deadlines in the process for completion. A concerning provision has been amended out of the bil. LB 464 has advanced to General File as amended.

Executive Director Daley indicated the rest of the bills that were of interest to the Commission are being held in committee.

Discuss process for election of officers at June meeting – Chairman Schulz reported that historically the outgoing Commissioner would prepare a slate for the June meeting. Mr. Schulz offered to prepare a slate of candidates and asked if there were any other nominations, there were none.

Discuss process for evaluation of Executive Director – Chairman Schulz indicated that he would undertake the process for evaluation of the Executive Director.

Report of Conflicts Committee – Chairman Schulz indicated that there was nothing to report.

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Report of Executive Committee – Chairman Schulz indicated that there are no issues to report at this time.

Closed Session - Motion by Conway, second by Peetz, that the NADC go into Closed Session pursuant to the confidentiality provisions of the NPADA - Roll Call Vote: Commissioners Conway, Davis, Gale, Loudon, Peetz and Schulz voted yes. Motion carried (6-0-0).

The NADC went into Closed Session at 9:16 a.m.

The NADC returned to Open Session at 9:50 a.m.

Action on or Announcement of Closed Session matters - Executive Director Daley indicated that there were none to report.

Adjournment – Motion by Conway, second by Loudon, that the NADC adjourn. Roll Call Vote: Commissioners Conway, Davis, Gale, Loudon, Peetz and Schulz voted yes. Motion carried (6-0-0).

Chairman Schulz declared the meeting adjourned at 9:50 a.m.